



Legislation Text

File #: 2019-0971, **Version:** 1

To: Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Hannah Spencer, (707) 565-1928

Vote Requirement: Majority

Supervisorial District(s): Four

Title:

Land Conservation Act Contract Replacement; Zane Holdings, LLC

Recommended Action:

Adopt a Resolution to mutually rescind and replace a Non-prime (Type II) Land Conservation Act contract with a hybrid Land Conservation contract for open space and agricultural land on a 127.24 acre property located at 9860 Dry Creek Rd., Healdsburg; APN 139-060-034; Permit Sonoma File No. AGP17-0017; Supervisorial District 4.

Executive Summary:

Sonoma County's Land Conservation Act program has four contract-types: a) Prime contracts for crop agriculture with a 10-acre minimum parcel size requirement; b) Non-Prime contracts for grazing with a 40-acre minimum; c) Open Space contracts with a 40-acre minimum, and d) Hybrid contracts with a mix of agricultural and open space also with a 40-acre minimum. This action is to replace a Non-prime (Type II) Land Conservation Contract with a new hybrid contract that corresponds with new property line boundaries and current open space and agricultural uses consistent with a previously approved Lot Line Adjustment (LLA14-0025). Land Conservation Act contracts assist in the preservation of agricultural and open space lands throughout Sonoma County. In exchange for retaining land in agriculture and/or open space, the landowner receives reduced property taxes. An expansion or modification to the existing Agricultural Preserve area is not required. Staff recommends the Board of Supervisors approve the rescind and replace contract request.

Discussion:

Zane Holdings, LLC seeks approval of a replacement Land Conservation Contract for a 127.24 acre parcel located within Agricultural Preserve Area Number 2-475, to satisfy a Condition of Approval by a Board-approved Lot Line Adjustment processed on February 21, 2017 (LLA14-0025, Resolution No. 17-0086). This action would replace the existing non-prime Land Conservation contract with hybrid Land Conservation contract that corresponds with the new property line boundaries and the current open space and agricultural uses.

Site Characteristics:

The project site is located along Dry Creek Road, approximately 0.5 miles northeast of Warm Springs Dam and ten miles northwest of the city of Healdsburg. The project site contains approximately 7 acres of vineyard and no structures. The remainder of the site is devoted to open space consisting of mixed oak woodlands, riparian woodlands, douglas-fir woodlands, and chaparral. Schoolhouse Creek, a tributary that feeds Dry Creek and the

Russian River, runs along the western property line of the site. The landowner eventually plans to build a future single family dwelling on site. The property is split zoned RRD (Resources and Rural Development) B6-40 acre density / RRD (Resources and Rural Development) B6-40 acre density with combining districts Z (Accessory Unit Exclusion), RC50/50 (Riparian Corridor with 50-foot setbacks), and SR (Scenic Resources).

Background:

The subject parcel and three adjacent parcels (APN 139-060-030, -032, and -033) have been under a single non-prime Land Conservation contract since 1972 (contract #72-055929). On February 21, 2017 the Board approved Lot Line Adjustment LLA14-0025 for the subject site and two adjacent parcels (APN 139-060-032 and -033). The Lot Line Adjustment reduced the subject site by 7.42 acres. The Conditions of Approval for LLA14-0025 require that the landowner rescind the existing Land Conservation Act contract and replace it with three new contracts for the reconfigured parcels in accordance with the Uniform Rules (refer to Attachment D). To reflect the current open space use of the site, the landowner is requesting to replace the non-prime Land Conservation contract with a Hybrid contract for open space and prime agricultural uses (vineyard). On October 23, 2018, the Board approved the replacement contract for one of the three parcels involved in LLA14-0025 (APN 139-060-032). Permit Sonoma is recommending the Board approve the last replacement contract involved in LLA14-0025 (APN 139-060-033) under File No. AGP17-0018.

In February 2015, a *Wildlife Habitat Study* was conducted on the site and the three adjacent parcels (totaling 352 acres) by Kjeldsen Biological Consulting (refer to Attachment C). The study evaluated the project site's qualification for an Open Space Land Conservation Act contract. The Study concluded that the property presents the open space qualities and wildlife resources consistent with an Open Space contract. The Land Conservation Plan (refer to Exhibit B) requires the landowner to implement management practices that will enhance and maintain the wildlife habitat values identified in the study.

Uniform Rules:

As part of the Board of Supervisors' December 2011 update of the *Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones* ("Uniform Rules") the Board eliminated the distinction between Prime (Type I) and Non-Prime (Type II) Agricultural Preserves. This allows the County to enter into either a Prime or Non-Prime contract in any established Preserve. The subject property is within Agricultural Preserve Area Number 2-475.

Also, as part of the update of the Uniform Rules, the County implemented a Land Conservation Plan which is incorporated into Land Conservation (Williamson) Act Contracts. Land Conservation Plans show locations for open space, agricultural, permitted, and compatible land uses on contracted land. Future changes to the Land Conservation Plan may be approved by the Director of Permit Sonoma and recorded on title of the subject parcel.

Staff Recommendation:

Staff recommends the Board approve the request to rescind and replace the existing non-prime contract with a new Hybrid contract because all of the state and local requirements for the replacement request on the 127.24 acre parcel within the existing Agricultural Preserve have been met.

Prior Board Actions:

- a. On December 13, 2011, the Board approved the Sonoma County Uniform Rules for Agricultural

Preserves and Farmland Security Zones (Resolution No. 11-0678).

- b. On February 21, 2017, the Board approved a Lot Line Adjustment LLA14-0025 (Resolution No. 17-0086)

FISCAL SUMMARY

N/A

Narrative Explanation of Fiscal Impacts:

N/A

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Draft Board of Supervisors Resolution

Attachment A: Proposal Statement prepared by applicant

Attachment B: Site Plan

Attachment C: Wildlife Habitat Study, Kjeldsen Biological Consulting, dated February 2015

Attachment D: Lot Line Adjustment File No. LLA14-0025 Conditions of Approval

Attachment E: Assessor's Parcel Map

Related Items "On File" with the Clerk of the Board:

Land Conservation Act Contract with attached Exhibit A (legal description) and Exhibit B (Land Conservation Plan with attached Site Plan).